

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT RENEWAL**

**Fish Springs
CLASS II LANDFILL
PERMIT #9707R1**

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Part 1, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

U.S. Fish and Wildlife Service (FWS)

is hereby approved to operate the Fish Springs Class II located in the northwest 1/4 of Section 23, Township 11 South, Range 14 West, Salt Lake Base and Meridian, Juab County, Utah as shown in the permit renewal application that was determined complete on August 11, 2007.

The operation of the landfill is subject to the condition that FWS (Permittee) meet the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

This permit shall become effective November 15, 2007.

This permit shall expire at midnight November 14, 2017.

Signed this 14th day of November, 2007.

Original Document signed by Dennis R. Downs on 11/14/07

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

PERMIT REQUIREMENTS

LANDFILL NAME: Fish Springs Class II Landfill

OWNER NAME: U.S Fish and Wildlife Services

OWNER ADDRESS: Department of the Interior
U.S. Fish and Wildlife Service
Fish Springs N.W.R.
Box 568
Dugway, UT 84022

OWNER PHONE NO.: (801) 831-5353

OPERATOR NAME: U.S. Fish and Wildlife Services

OPERATOR ADDRESS: Fish Springs N.W.R.
Box 568
Dugway, UT 84022

OPERATOR PHONE NO.: (801) 831-5353

TYPE OF PERMIT: Class II Landfill

PERMIT NUMBER: 9707R1

LOCATION: The Fish Springs Landfill is II located in the northwest 1/4 of Section 23, Township 11 South, Range 14 West, Salt Lake Base and Meridian, Juab County, Utah.
(Main Gate: Lat. 39° 51' 01", Long. 113° 24' 01")

DIRECTIONS TO FACILITY: The Fish Springs Class II landfill is located within the federal wildlife refuge and is located on the northern border of Juab County immediately east of the Fish Springs Range. The site can be accessed by following the Pony Express Road on the south side of the Dugway Proving Grounds in Tooele County.

Permit, as used in this document, is defined in Utah Administrative Code (UAC) R315-301-2(55).

The renewal application, as deemed complete on August 11, 2007 is hereby incorporated by reference into this Solid Waste Permit and will be referred to as the permit application throughout this permit. All representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the permit application, the wording of the permit supersedes that of the permit application.

The facility as described in this permit consists of a fenced area where trenches are excavated and covered. By this permit to own and operate, the Permittee is subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the landfill in accordance with all applicable requirements of UAC R315-302 and 303, for a Class II landfill, that are in effect as of the date of this permit unless otherwise noted in this permit. Any permit noncompliance or noncompliance with any applicable portions of UCA 19-6-101 through 123 and applicable portions of UAC R315-301 through 320 constitutes a violation of the permit or applicable statute or rule and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

B. Acceptable Waste

This permit is for the disposal of non-hazardous solid waste that may include municipal solid waste, commercial waste, industrial waste, construction/demolition waste, and special waste as allowed by UAC R315-315. The permittee may accept conditionally exempt small quantity generator hazardous waste as specified in UAC R315-303-4(7)(a)(i)(B) and PCB's as specified by UAC R315-315-7(2).

The Permittee is limited to an average of 20 tons per day of acceptable waste or a service area population of 8900. The daily average shall be determined by dividing the total or estimated tons of waste received in a calendar year by 365. If the 20 tons per day average is exceeded or the maximum population served is exceeded, the Permittee must notify the Executive Secretary and apply for a new permit for a Class I landfill.

C. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2 or PCB's as defined by UAC R315-301-2, except as allowed in Section IB (Acceptable Waste) of this permit, may be accepted for treatment, storage, or disposal at the landfill. Any prohibited waste received and accepted for treatment, storage, or disposal at the facility will constitute a violation of this permit, of UCA 19-6-101 through 123 and of UAC R315-301 through 320.

D. Inspections and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Southwest Utah Public Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of this Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment facilities or processes, pollution management facilities or processes, or control facilities or processes required under this Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

E. Noncompliance

1. If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules.

2. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility.
3. The Permittee shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board by phone within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation.
4. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.
5. In an enforcement action, the Permittee may not claim as a defense that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with UAC R315-301 through 320 and this permit.
6. Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittee from obtaining any other local, State or Federal permits or approvals required for the facility operation.
7. The issuance of this permit does not convey any property rights, other than the rights inherent in this permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.
8. The provisions of this Permit are severable. If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

F. Revocation

1. This permit is subject to revocation if any condition of this permit is not being met. The Permittee will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.
2. Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility on the part of the permittee for completion of closure and post-closure care for the facility required in UAC R315-302-3.
3. Revocation of this permit will necessitate that the Executive Secretary exercise the option to require the funds or other mechanism provided for financial assurance for completion of closure and post-closure care for the facility required in UAC R315-302-3 be called.

G. Attachment Incorporation

Attachments to the permit application are incorporated by reference into this permit and are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Design and Construction

1. The Permittee shall construct any landfill cell, sub-cell, run-on and runoff diversion system, waste treatment facility, or final cover in accordance with the design submitted as part of the permit application and in accordance with the Utah Solid Waste Permitting and Management Rules (UAC R315-301 thru 320).
2. If ground water is encountered during excavation of the landfill, the Executive Secretary shall be notified immediately, and a contingency plan implemented or alternative construction design developed and submitted for approval.

3. The Permittee shall notify the Executive Secretary upon completion of construction of any landfill cell, sub-cell or engineered control system. No landfill cell or engineered control system may be used until as-built documents are submitted and construction is approved by the Executive Secretary.
4. The Permittee shall notify the Executive Secretary of any proposed incremental closure, placement of any part of the final, or placement of the full final cover.
5. Construction of any portion of the final cover shall be considered as a separate construction event and shall be approved separately from any other construction or expansion of the landfill. Design approval must be received from the Executive Secretary prior to construction and must be accompanied by a Construction Quality Control and Construction Quality Assurance (CQC/CQA) Plan, for each construction season where incremental or final closure is performed.

B. Run-On Control

Drainage channels and diversions shall be constructed as specified in the permit application and maintained at all times to effectively prevent runoff from the surrounding area from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

1. The Operations Plan included in the permit application and the solid waste permit issued by the Executive Secretary shall be kept onsite at the landfill. The landfill shall be operated in accordance with the operations plan as included in the permit application.
2. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320, is as protective of human health and the environment as that approved in the permit application, and is approved by the Executive Secretary as a minor modification under UAC R315-311-2(1)(a)(xiii). Any modification to the Operations Plan shall be noted in the operating record.
3. Any modification to the operations plan must be submitted to the Executive Secretary for approval and is considered a minor permit modification in compliance with UAC R315-311-2(1)(a)(xiii) unless the Executive Secretary determines the change should be subject to public comment under UAC R315-311-2(1)(a)(xviii).

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. Fencing and any other access controls as shown in the permit application shall be constructed and maintained to prevent access of persons or livestock by other routes.

C. Training

Permittee shall provide training for on-site personnel in landfill operation, including waste load inspection, hazardous waste identification, and personal safety and protection.

D. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-4(2)(b). All accidental fires shall be extinguished as soon as reasonably possible.

E. Daily Cover

The solid waste received at the landfill shall be completely covered at the end of each working day with a minimum of six inches of earthen material.

F. Ground Water Monitoring

This facility is not required to monitor ground water (R315-303-3(3)(e)(ii)).

G. Gas Monitoring

The facility has met the requirements of UAC R315-303-3(5)(d) and is exempt from gas monitoring.

H. Waste Inspections

1. The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill. A complete waste inspection shall be conducted at a minimum frequency of 1 % of incoming loads. Loads to be inspected are to be chosen on a random basis.
2. All containers capable of holding more than five gallons of liquid will be inspected to assure that the container is empty. All loads that the operator suspects may contain a waste not allowed for disposal at the landfill will be inspected.
3. The inspection shall be recorded on the waste inspection form found in Appendix B of the permit application. The form shall be placed in the operating record at the end of the operating day.

I. Disposal of Liquids

Disposal of containers larger than household size (five gallons) holding any liquid, noncontainerized material containing free liquids, sludge containing free liquids, or any waste containing free liquids in containers larger than five gallons is prohibited.

J. Disposal of Special Wastes

1. Animal carcasses may be disposed at the bottom of the landfill working face and must be covered with other solid waste or earth by the end of the operating day in which they are received.
2. Dead animals may be disposed in a special trench or pit prepared for the acceptance of dead animals or in case of a significant mortality of animals. If a special trench is used, animals placed in the trench shall be covered with six inches of earth by the end of each operating day.
3. Asbestos waste shall be handled and disposed in accordance with UAC-315-315-2.

K. Self Inspections

1. The Permittee shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health.
2. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, cover; fences and access controls; roads; run-on/run-off controls; litter controls; and records.

3. A record of the inspections shall be placed in the daily operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected in a timely manner. The corrective actions shall be documented in the daily operating record.

L. Recordkeeping

The Permittee shall maintain and keep on file at the US Fish and Wildlife office, a daily operating record and other general records of landfill operation as required by UAC R315-302-2(3). Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed.

The daily operating record shall include the following items:

1. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;
2. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
3. Results of other monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;
4. Records of all inspections conducted by the Permittee/s, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event.

The general record of landfill operations shall include the following items:

1. A copy of the permit including the permit application;
2. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Central Utah Health Department, when forwarded to the Permittee;
3. Closure and Post-closure care plans;
4. Records of employee training;

M. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received and all training programs completed.

N. Roads

All access roads, within the landfill boundary, used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

IV. CLOSURE REQUIREMENTS

A. Closure

Final cover of the landfill shall be as shown in the permit application. The final cover shall meet, at a minimum, the standard design for closure as specified in the UAC (R315-303-3(4)) plus sufficient cover soil or equivalent material to protect the low permeability layer from the effects of frost, desiccation, and root penetration.

B. Title Recording

The Permittee shall also meet the requirements of UAC R315-302-2(6) by recording with the Juab County Recorder as part of the record of title that the property has been used as a landfill including waste locations and waste types disposed.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

The requirements of financial assurance are not applicable since the refuge is a federally owned facility and is exempt from financial assurance in accordance with R315-309-1(2).

V. ADMINISTRATIVE REQUIREMENTS

A. Permit Modification

Modifications to this permit may be made upon application by the Permittee or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

B. Permit Transfer

This permit may be transferred to a new permittee or new permittees by meeting the requirements of the permit transfer provisions of UAC R315-310-10.

C. Expansion

1. This permit is for a Class II Landfill. The permitted landfill must operate according to the design and Operation Plan described and explained in the permit application.
2. Any expansion of the current footprint designated in the description contained in the permit application, but within the property boundaries designated in the permit application, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to construction.
3. Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit application will require submittal of a new permit application in accordance with the requirements of UAC R315-310.
4. Any addition to the acceptable wastes described in Section 1B will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary.

D. Expiration

1. This permit shall expire five years from the effective date which is the date shown on the signature (first) page of this permit.
2. Application for permit renewal shall be made at least 180 days prior to the expiration of this permit.
3. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this permit will continue in force until renewal is completed or denied.